Award-Winning Monthly Magazine of the Rhode Island Builders Association

October 2014

# Mandated education for contractors coming soon

### Members and their employees get free classes at RIBA

By Paul F. Eno Editor

If you're a contractor in Rhode Island, you've been hearing for some time about continuing-education courses required by the Rhode Island Contractors' Registration and Licensing Board (CRLB), but the regulation is not yet being enforced.

Word has it that it soon will be.

The Rhode Island Builders Association has been following the work of the CRLB and its plans for a required educational program. RIBA feels that full implementation might take place by winter.

"From what we know so far, it appears that a mandatory five hours will be required prior to becoming a contractor," RIBA Executive Director John Marcantonio observed. "It also appears that there will be a two-year window for existing contractors to complete the five hours of course work."

The goal of continuing education is to provide training on minimum standards and to generally improve contractor professionalism.

As with other RIBA educational offerings, the mandated continuing-education courses

see EDUCATION...page 25

## Learning about TDRs



Scott Millar, chief of the Dept. of Environmental Management's (DEM's) Sustainable Watersheds Division, discusses transfers of development rights (TDRs) with the Rhode Island Builders Association's Board of Directors on September 2<sup>nd</sup>. Story on page 2.

# FEATURED PRODUCTS AND SERVICES FOR OCTOBER

Centerspread

## Annual Meeting slated for Oct. 7

Enjoy an evening of great food and networking at Kirkbrae Country Club in Lincoln as the Rhode Island Builders Association elects and installs officers and directors for 2014-2015.

Pages 4 and 6

#### A look at the new affordablehousing fee-in-lieu legislation

What new options does the state's revised inclusionary zoning law give communities and developers, what does it mean and how does it all work?

Page 19

## RIBA fall classes: OSHA and more

Pages 15 and 16





## RIBA Board hears about TDRs

State officials tell RIBA leaders how they believe transfers of development rights can both encourage growth and preserve open-space resources.

#### By Paul F. Eno Editor

An in-depth look at transfers of development rights (TDRs) awaited the Rhode Island Builders Association's Board of Directors on September 2<sup>nd</sup> as they returned from their summer recess.

Scott Millar, chief of the Dept. of Environmental Management's (DEM's) Sustainable Watersheds Division; Kevin Flynn, director of the state Division of Planning, and Nathan E. Kelly of Horsley Witten Group, presented a program on TDRs: What they are, how they work, and what they can do for developers and communities.

"A great benefit for the builder and the community is that TDRs encourage higher densities, as opposed to large-lot zoning. The latter is more expensive to develop and costs communities more open land," Mr. Millar explained.

He described TDR as a "market-based zoning tool." It allows "bonus development" in "receiving areas" that municipalities target for growth. As a result, the participating developers don't build in the "sending areas," thereby preserving community natural resources and earning the bonus development rights in the receiving areas. These sending areas then have a permanent conservation easement.

Put another way, the owner of the "send-



-Executive Director John Marcantonio



Nathan E. Kelly, a senior planner at the Horsley Witten Group, tells the Rhode Island Builders Association's Board of Directors about how North Kingstown plans to use transfers of development rights (TDRs).

ing parcel" sells the development rights in exchange for the conservation easement. The owner of the "receiving parcel" buys the development rights and can build at densities higher than normally allowed. The municipality may act as the go-between.

Participation by all parties is voluntary.

"We realize that TDR doesn't work in all areas, and that all parties must make a profit," Mr. Millar pointed out.

TDRs can currently be used in Providence, Exeter and North Kingstown, he added, suggesting that inter-town TDR arrangements are also possible.

Mr. Kelly, a senior planner at his consulting firm, outlined North Kingstown's development and conservation goals, of which TDRs are now part. These center on well-established "smart growth" concepts such as developing or redeveloping "village centers," in this case Wickford.

Asked how state planners have been able to "sell" municipal leaders on TDRs, Mr. Millar explained that it's a "matter of education."

"Once we show them that it can further both their conservation and their economic-development goals, they become more receptive," Mr. Millar stated.

"That's especially true when they see that denser development, constructed with current technology, brings in more tax revenue than large-lot development."

A *Rhode Island Transfer of Development Rights Manual* is available from the Division of Planning (401) 222-7901.

#### RIBA readies for 2015

The Board accepted the Nominating Committee's proposed slate of officers and directors for 2015. *See page 6*.

The annual meeting and election/installation off officers will take place on Tuesday, October 7th, at Kirkbrae Country Club, Lincoln.

Executive Director John Marcantonio presented his business plan for 2015, and Legislative Committee Co-Chairman Robert J. Baldwin reviewed the 2014 General Assembly session and its positive results for the industry.

#### **DEADLINES FOR THE NEXT ISSUE**

For the November issue, copy, ads and photos must be to us by

## Friday, October 3

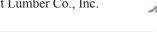
Send material to The R.I. Builder Report, c/o RIBA, 450 Veterans Memorial Pkwy., Suite 301, East Providence, RI 02914 or e-mail to builder@newriverpress.com Fax: (401) 356-0913

## RIBA welcomes our new members and thanks their sponsors!

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For membership information, visit www.RIBuilders.org or call (401) 438-7400

### RIBA also thanks these members who renewed June-August

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see MEMBERS...page 24



## **LOOKING AHEAD!**

**October 7 - Annual Meeting and Election of Officers and Directors of the Rhode Island Builders Association -** Kirkbrae Country Club, 197 Old River Rd., Lincoln. Cocktails and networking, 5:30 p.m., with dinner at 6:30 p.m., followed by the business session. Open bar for the cocktail hour is generously sponsored by Consolidated Concrete Corp. and Douglas Lumber, Kitchens & Home Center. For details and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Elizabeth Carpenter, ecarpenter@ribuilders.org, or call (401) 438-7400. *Related story on Page 6*.

October 7 - "Commercial Real Estate in Rhode Island: A look back...and a look forward...." - A panel discussion presented by the Rhode Island Commercial and Appraisal Board of Realtors® (RICABOR), Squantum Association, 947 Veterans Memorial Parkway, East Providence. Registration at 2:30 p.m., with the panel discussion at 3. A cocktail reception will follow at 5, with the RICABOR Annual Meeting at 6. \$45 for RICABOR members, \$55 for non-members, inclusive. Call (401) 274-8386 or e-mail info@ricabor.org for details and to register.

**October 9 - Professional Women in Building Council Monthly Meeting -** 5:30 to 7:30 p.m. at Boston Cedar, 80 Hampton Rd. Mansfield, MA 02048. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Elizabeth Carpenter, ecarpenter@ribuilders.org, or call (401) 438-7400. *Related story on Page 8.* 

**October 8-9 - OSHA 10-Hour Course -** 11: 30 a.m. to 5 p.m. each day at RIBA headquarters. FREE for members and their employees, with \$25 book charge. \$125 for non-members, with \$25 book charge. For more information and to register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on Page 15.* 

**Ooctober 10:** 4-Hour Lead Safe Refresher Class - RIBA headquarters, East Providence, 1 to 5 p.m. FREE for members, with a \$15 materials charge. \$75 for non-members, with a \$15 materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 15*.

**OCCUPY OF SET O** 

**ONovember 5: Mold Awareness for Contractors** - RIBA headquarters, East Providence, 5 to 7 p.m. FREE for members, with a \$10 materials charge. \$45 for non-members, with a \$10 materials charge. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 16.* 

**ONovember 6: How to Get Results with Social Media** - RIBA headquarters, East Providence, 5 to 7 p.m. FREE for members and nonmembers. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 16.* 

**ONovember 26: Deadline for Advertising Purchase in the 2015 RIBA Directory to be Eligible for a Free Ad -** All who purchase their ads by this date will be entered in the annual drawing to win an additional, full-color, full-page ad free. *Details on page 7.* 

**ODecember 8: Deadline for Advertising Purchase in the 2015 RIBA Directory -** Final deadline for all advertising. *Details on page 7.* 

OMarch 5-8: 65th Annual Home Show - Sponsored by RIBA at the Rhode Island Convention Center. Details on page 7.

More information, registration and payment for most RIBA events is available at RIBUILDERS.org.

OIndicates a RIBA-sponsored event.

## PRESIDENT'S MESSAGE

# I'm proud to have served, thanks for the honor!

Felix A. Carlone

The time flew by....

It seems like only months, but two years have passed, and I'm so proud on several counts. I'm proud to have served as president of the Rhode Island Builders Association. I'm proud of the dedication of our entire staff, the enthusiasm and commitment of so many members (many of them new members), and of the time they have devoted to RIBA.

I'm also proud of the many members who helped get the Builders Insurance Group (BIG) up and running, and to the dedicated women who have re-invigorated our Professional Women in Building Council (PWB). I fear that if I mention names, I'll leave someone out, so guess what...I won't.

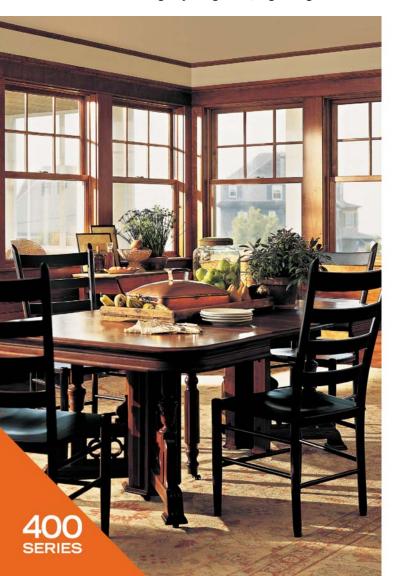
There have been so many issues dealt with and so many accomplishments achieved that it's hard to keep track. Successful legislative advocacy, an expanded and improved Home Show, lawsuit settlements, stronger alliances with other builders associations and other business groups in general, a growing and free educa-

tion program for members...the list seems to goes on and on.

As I've often stated, an increased interest by members to serve RIBA and our industry in some capacity will make us better and help us grow. As the economy continues to improve, and with the commitment of so many members, the future of RIBA certainly looks outstanding.

As I mentioned in my inaugural speech at our 2012 Annual Meeting, my RIBA roots go back to my childhood. My father was a founding member and an officer. It makes me even prouder to have continued that legacy. So many others have followed and will follow in their fathers' and (in the not too distant future) mothers' footsteps in the home-building and remodeling industries.

From my heart, I say thank you to all who have made this such a wonderful experience, and I wish my successors the greatest year ever!



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#### **Annual Meeting is October 7**

## Fiore leads slate for 2014-2015

WHEN: Tuesday, October 7th, 5:30 p.m.

WHERE: Kirkbrae Country Club, 197 Old River Road,

Lincoln 02865

COST: \$20 per person for dinner

DEADLINE TO REGISTER: September 30th

FOR INFORMATION AND TO REGISTER: Logon to www. RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at ecarpenter@ribuilders.org or (401) 438-7400.



Roland J. Fiore Nominated for President

Members of the Rhode Island Builders Association attending the Annual Meeting will have the opportunity to vote on the slate of officers, directors and other officials proposed by the RIBA Nominating Committee.

Heading the slate as president is Roland J. Fiore of South County Sand & Gravel Co., Inc., who served as vice president in the outgoing administration. Tapped as vice president is David A. Caldwell Jr. of Caldwell and Johnson Inc. Nominated as secretary is Timothy A. Stasiunas of The Stasiunas Companies.

Nominated for election as local directors are: Carolyn Medina of Women's Development Corp.; Ronald J. Caniglia of Stand Corp.; Jason DaPonte of Sansiveri, Kimball & Co., LLP; Michael L. DeCesare of DeCesare Building Co., Inc.; Kenneth Jones of Ken Jones Construction; Joe Marcano of JM Painting LLC; and Eric Wishart of Civil CADD Services, Inc.



Timothy A. Stasiunas Nominated for Secretary

Nominated as national directors are: John Bentz of The Property Advisory Group; David A. Caldwell Jr. of Caldwell and Johnson Inc.; Louis Cotoia of Arnold Lumber Co.; Thomas E. D'Angelo of Progressive Realty Group; Roland J. Fiore of South County Sand & Gravel Co., Inc.; and Scott Grace of Overhead Door/Garage Headquarters.

Nominated as alternate national directors (with terms expiring in 2015) are: Michael C. Artesani Jr. of W. Artesani & Sons Inc., Kenneth Coury of Riverhead Building

Supply, Matthew O. Davitt of Davitt Design Build Inc., James G. Deslandes of Deslandes Construction Inc., Vincent J. Marcantonio of Marcantonio Design Build and J. Robert Pesce of Lehigh Realty LLC.

Robert J. Baldwin of R.B. Homes Inc. was nominated for election as RIBA's National Association of Home Builders representative, with Thomas E. McNulty of E.A. McNulty Real Estate as alternate representative.

Nominated as state director is Stephen Fitzgerald of Fitzgerald Building and Remodeling, with James P. Tavares of James P. Tavares Construction Inc. as alternate state director.

Anyone nominated for national office at the Annual Meeting will be officially elected and installed at the International Builders Show and National Association of Home Builders convention. January 20-22nd in Las Vegas, Nev. *Story on page 10*.

Kirkbrae Country Club is a beautiful venue overlooking the Blackstone Valley and offering a spacious dining room for the evening's dinner and RIBA business. All members are urged to attend.





# 2015 Home Show to feature area for first-time contractor exhibitors

With visitors asking to see more contractors exhibiting, the 'RIBA Pavilion' will allow new exhibitors to rent space for a day.

With rave reviews and a huge turnout, the 2014 Rhode Island Home Show was a smash, but the Rhode Island Builders Association and its Home Show Committee plan to make the 2015 event even more so. And RIBA is taking steps to help as many members as possible exhibit so they can showcase their products and services to thousands of homeowners and find more work.

The 65<sup>th</sup> Annual Home Show takes place at the Rhode Island Convention Center, Providence, March 5<sup>th</sup>-8<sup>th</sup>.

"We had a massive response to surveys at the 2014 Home Show. Overwhelmingly, visitors want to see more contractors and suppliers exhibiting," commented RIBA Executive Director John Marcantonio.

Within the 2015 show, there will be a RI-BA-sponsored contractor pavilion to help those who have never exhibited before "get their feet wet."

"First-time contractor exhibitors will have the option to rent space for a day rather than committing to the whole four-day show," Mr. Marcantonio explained. "It will be a perfect chance to learn what the Home Show is all about."

RIBA helps exhibitors with booth design and other guidance, and will assist new exhibitors through the entire process, he emphasized.

Subsidies for exhibit space might be available through supplier members, so RIBA contractor members should check with their lumber yards.

#### Popular features return

The most popular features are expected to return to the expanded 2015 show as well, including a new home-décor showcase, a wider variety of exhibitors, the Energy Expo, landscape features by the



Visitors crowd the aisles near the Model Home during the 2014 Rhode Island Home Show. The 2015 Home Show will be RIBA's 65th.

Rhode Island Nursery and Landscape Association, demonstrations, seminars and special events.

"The Home Show might seem far away, but it isn't. It's in March, a month earlier than last year's. Now is the time to contact us about exhibiting, especially if you want to get in on the new RIBA Contractor Pavilion," Mr. Marcantonio said.

To find out more about exhibiting, contact Mr. Marcantonio or Elizabeth Carpenter at RIBA, (401) 438-7400.

# Ad campaign now under way for RIBA 2015 Directory

What will showcase the name of your business throughout 2015, and be in the hands of thousands of potential customers before, during and after the 65<sup>th</sup> Annual Rhode Island Home Show in March? The Rhode Island Builders Association's 2015 *Membership Directory and Buyer's Guide!* 

Now is the time for RIBA members and non-members alike to start planning their advertising in this attractive, year-long venue. The *Membership Directory and Buyer's Guide* is the source in Rhode Island for homeowners and businesses to find suppliers, subcontractors, lenders, real estate professionals and much more.

"There are plans to echo the *Directory* and *The Rhode Island Builder Report* advertising on the RIBA website and on RIBAlist.com in 2015," comments Paul F. Eno of New River Press, editor of *The Rhode Island Builder Report*. "This will add value for our advertisers and make their print ad even more effective. Still, people like to have something they can hold in their hands too."

The low advertising rates remain the same as last year.

see DIRECTORY...page 25

www.ribuilders.org October 2014/7



### RIBA Happenings: Professional Women in Building

# PWB installs 2015 officers

The East Greenwich Yacht Club was the scene as the Rhode Island Builders Association's Professional Women in Building Council (PWB) installed officers for 2014-2015 on June 12<sup>th</sup>.

"It was a beautiful evening of networking and celebration on the water," commented Immediate Past President Cheryl Boyd, who was installed as PWB's state representative to the National Association of Home Builders PWB.

Also installed were Tracey Boyajian of Lead Ventures LLC as president, Joelle Sylvia of The Law Offices of Michael A. Kelly PC as vice president, and Carol O'Donnell of CRM Modular Homes as secretary/treasurer.

Nearly 25 people attended the event.

PWB is always looking for new members to bring their individual and professional talents to the group. PWB facilitates net-



With Immediate Past President Cheryl Boyd, center, at the East Greenwich Yacht Club on June 12<sup>th</sup> are newly installed Professional Women in Building Council President Tracey Boyajian, left, and Secretary/Treasurer Carol O'Donnell.

working with other women in various professions within the housing industry.

The next PWB meeting will take place October 9th, from 5:30 to 7:30 p.m., at Boston Cedar, 80 Hampton Rd., Mans-

field, MA 02048.

To find out more about the PWB and how to become a member, contact Tracey Boyajian at (800) 860-4996 or tboyajian@ abcleads.com.





#### Member Profile: Dean Nadalin of Charles E. Millard Inc.

# All roads led him to building

By Paul F. Eno Editor

He's been a ski patrolman, an emergency medical technician, a cartographer for the National Geographic Society and a firefighter for the U.S. Forest Service. But life has come full-circle for Dean Nadalin, back to an early and lifelong interest in carpentry and architecture. And for the past 16 years, he's found a home with Charles E. Millard Inc., where he's now the project coordinator. In fact, Dean is Charles "Chuck" Millard's sonin-law.

"I'm really proud to be here," says the California native and magna cum laude graduate of the University of New Hampshire. "I started as a laborer, and I learned the business from the ground up. As Chuck's project coordinator, I do just about everything: estimating, consultation and many other things."

Dean joined Charles E. Millard in

1996, becoming a sort of dream-maker for clients, guiding homeowners through the labyrinth of construction, from design to the final details. The company, founded by Chuck Millard in 1977, does custom homebuilding, historic restoration and preservation, additions and renovations, has nine carpenters and works with a number of architects. The company also has its own wood shop, for custom cabinetry and woodworking.

"We do everything from framing to finish work, and that's unusual," Dean says.

Projects such as the Sisson Cottage at Goosewing Farm, Little Compton, have earned the company awards from professional



Dean Nadalin

#### Charles E. Millard Inc.

**President:** Charles E. Millard

Project Coordinator: Dean Nadalin

RIBA member since: 1994

Focus: Custom home building and remodeling

Serves: Southeastern New England

**Founded:** 1977

Based: Bristol, Rhode Island

organizations like the American Institute of Architects, the American Society of Landscape Architects, *Residential Architect* Magazine and Custom Home Online.

"As it did for many builders, the custom-home business declined somewhat after 2008," Dean points out. "So we've done more small projects than we used to, including kitchens and additions."

The company works in most of the coastal communities, from Narragansett, eastward to Dartmouth, Mass., and as far north as Providence's East Side and the Easy Bay region. One interesting project involved adding a three-story tower to an existing house in Newport. Another recent job in Newport called for installing a three-story elevator, remodeling bathrooms and installing a garage/pool/cabana complex for the founder of Breyers Ice Cream.

The Millard crew headed as far north as Burrillville in 2013 to pitch

in for Builders Helping Heroes, the Rhode Island Builders Association's not-for-profit subsidiary. Chuck Millard sent Senior Foreman Jim Cabral and a crew of six other seasoned carpenters to install all the interior doors, jambs and hardware at the new house, built for a Marine Corps veteran who had lost both legs in combat in Afghanistan.

They also built and installed the extension jambs for every door and window in the exterior SIPS wall, then cased out every door and window. They wrapped and trimmed all the exterior columns, installed the cabinetry in both bathrooms, then tackled a number of "loose ends" left in the project.

Charles E. Millard Inc. joined RIBA in 1994. Favorite member services include the association's insurance offerings and the educational seminars and classes, now free of tuition charge for members and employees.

"We really enjoyed the RIBA Clambake at Francis Farm this year, and we brought a lot of our people," Dean says.

The future looks busy for Charles E. Millard, he adds, with bigger projects as the housing market recovers. As for Dean Nadalin himself: "Chuck is still going strong, but when he eventually retires, plans are for me to take charge of the company, and I will be proud to keep the Charles E. Millard name going!"



## RIKB named to Top 500

R.I. Kitchen & Bath Inc. (RIKB) was recently selected by Qualified Remodeler magazine as one of the Top 500 Remodelers of 2014.

Each year the magazine selects its toptier remodeling firms across the nation. Firms are chosen by the publication's editorial staff and judged by a set of criteria analyzing their installed-remodeling dollar volume, total years in business, industry association membership, industry certification, industry awards and community service.

Warwick-based RIKB made its debut on the Top 500 list in 2005 and has since been climbing the ranks. The Top 500 are featured in the August 2014 issue.

"We're thrilled to be named in this year's Top 500," says RIKB President Steven L. St. Onge. "It's a great honor to be included among such an impressive group of con-

A longtime member of the Rhode Island Builders Association, RIKB was established in 1989.

### Marshall doing home makeover

Thanks to some good luck for one North Smithfield homeowner, Marshall Building & Remodeling Co. did an exterior home makeover, and CertainTeed Corp. picked up the tab.

The home needed serious exterior work, and homeowner Danielle Bralev approached Marshall for a quote. In the meantime, she learned that CertainTeed was running a contest for \$75,000 worth of work on the worst house they could find, as judged by their website visitors.

Ms. Braley's son, a video production student, produced a short film about the house, complete with spooky music, and the Braleys won hands-down.

Marshall completed the work in Septem-

# Registration now open for IBS 2015

WHEN: Tuesday-Thursday, January 20th-22nd

WHERE: Las Vegas Convention Center, Las Vegas, Nev.

COST: Varies

FOR INFORMATION AND TO REGISTER: Visit www.BuilderShow.com

The National Association of Home Builders (NAHB) officially opened online registration on September 2<sup>nd</sup>



for the 2015 NAHB International Builders' Show® (IBS), the largest annual light construction trade show in the world. The 2015 show is part of the second annual Design & Construction Week<sup>TM</sup>, a co-location with the Kitchen and Bath Industry Show (KBIS), hosted by the National Kitchen and Bath Association (NKBA), and the International Window Coverings Expo (IWCE).

New this year, two other shows will join the event, including The International Surface Event (TISE) and the Las Vegas Market. While the shows will remain separate and distinct, all registrants will have access to the exhibits of all five shows held during Design & Construction Week.

The IBS show floor will feature more than 1,000 of the industry's top manufacturers and suppliers, showcasing the latest and most innovative products. Attendees will be able to learn new techniques and explore emerging trends in the more than 100 educational sessions offered throughout the show. Additional special events, speakers, awards competitions and networking opportunities are among the other major highlights.

Another major draw is The New American Home® (TNAH) 2015, a one-of-a-kind "green" show home being built in a nearby neighborhood. It will be open to attendees for tours during the IBS. The state-of-the-art home incorporates builders' best practices in energy efficiency, indoor-air quality, safety, convenience and aesthetics.

The IBS is not open to the general public.



#### RIBA's Environmental Committee

### Single-standards panel continues work

Helping work up recommendations for statewide standards on setbacks for septic systems and wetlands continues to be a focus for the Rhode Island Builders Association's Environmental Committee.

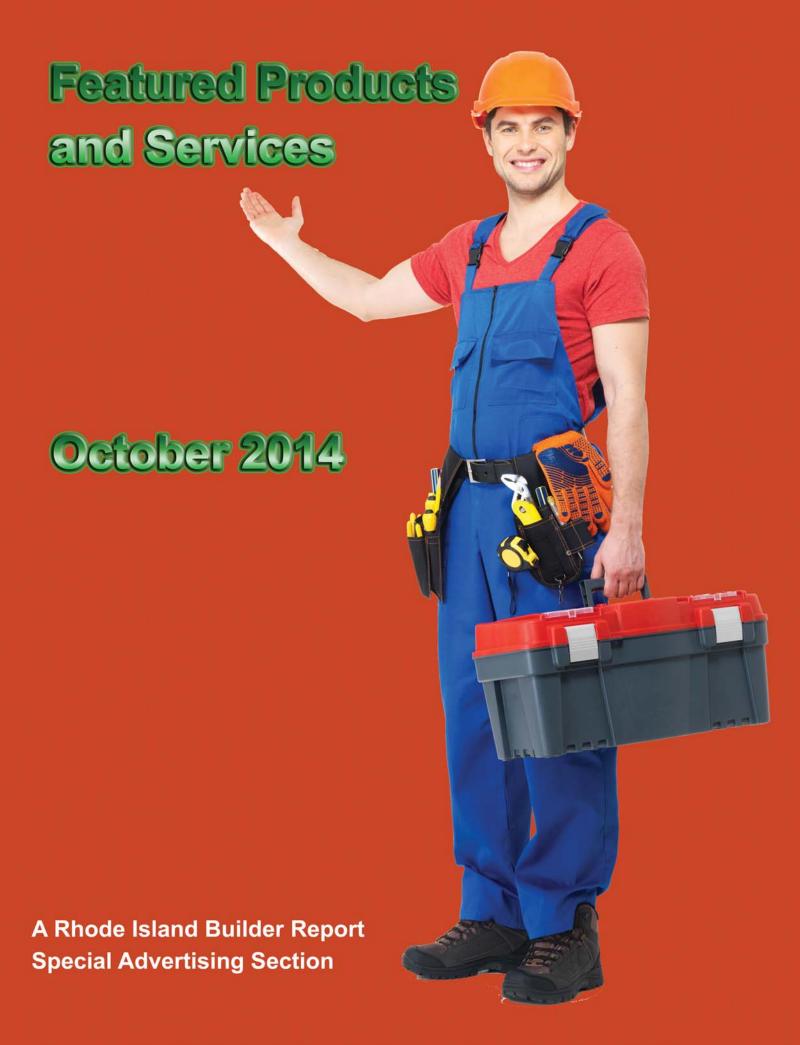
"A subcommittee of the (Legislative Task Force on Wetland and OWTS Setbacks) is working on recommendations for the Task Force's final summary at the end of the year," reported Environmental Committee Co-Chairman Timothy A. Stasiunas. "We hope our input results in some common-sense setback rules."

The panel's legislative mandate is to submit recommendations to lawmakers by Januarv 1st.

Thomas E. D'Angelo, who serves on the Task Force, echoed the concern for a workable statewide regulatory system for wetlands and on-site wastewater treatment systems

"We hope that the confusion between buffers and setbacks is addressed," he said.







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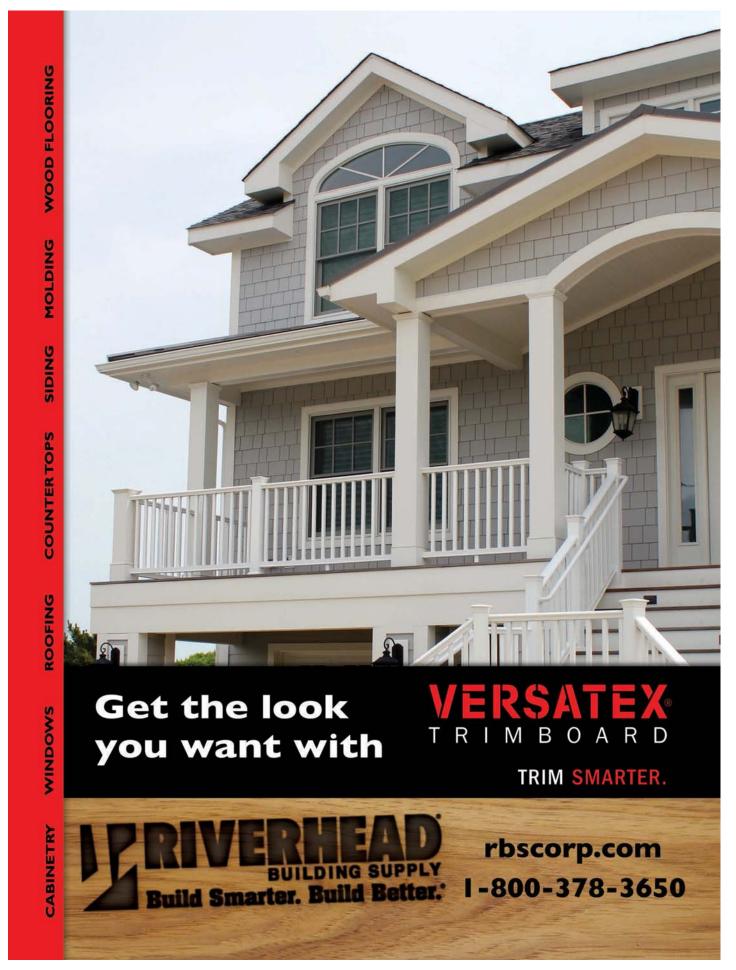
site. Because trim is all Versatex does, they offer a level of product quality, service and expertise others can only dream of.

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# Lead licensing refresher October 10

WHEN: Friday, October 10<sup>th</sup>, 1-5 p.m.

**WHERE:** Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914 **COST:** FREE for members, with a \$15 materials charge. A \$75 charge for non-members and a \$15 materials charge. **DEADLINE TO REGISTER:** October 6<sup>th</sup>.

**FOR INFORMATION AND TO REGISTER:** Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at ecarpenter@ribuilders.org or Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

This is a four-hour refresher class with Sharon & John Barr of Lead Safe RI. It's meant for contractors who have their lead renovator/remodeler license and whose license is up for renewal or has expired within the prior six months.

OSHA has been emphasizing lead enforcement on residential jobsites lately, so don't neglect to ensure that your lead license is up to date!

The class will review lead-hazard controls and update attendees on any changes to regulations since they were issued their licenses.

# OSHA-10 Course

**WHEN:** Wednesday & Thursday, October 8<sup>th</sup> and 9<sup>th</sup>, 11:30 to 5 p.m. each day at Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914

**COST:** FREE for members and their employees, with \$25 book charge. \$125 for non-members, with \$25 book charge. Credit cards accepted. Lunch is included.

**DEADLINE TO REGISTER:** October 1st

**FOR INFORMATION AND TO REGISTER:** Logon to www.RIBUILDERS.org, click on any of these events under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

RIBA once again offers the OSHA 10-Hour Certification Course in October, with Scott Asprey of Risk & Safety Management.

This course provides training in compliance with the Dept. of Labor & Training's municipal jobsite rules. It trains safety directors, foremen and field employees in OSHA standards and highlights major safety concerns to be aware of so that jobsite accidents can be reduced. Everyone completing the course will receive a copy of the OSHA Standard 29 CFR Part 1926 and an OSHA-10 certification card.

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www.ribuilders.org October 2014/15



# Learn the secrets of job costing October 23

WHEN: Thursday, October 23rd, 5 to 7 p.m.

**WHERE:** Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914 **COST:** FREE for members with a \$10 materials charge. \$45 for non-members with a \$10 materials charge.

**DEADLINE TO REGISTER:** October 17th

**FOR INFORMATION AND TO REGISTER:** Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

Join instructor Jason DaPonte of Sansiveri, Kimball & Co. for "Proper Job Costing to Increase the Bottom Line" at RIBA on October  $23^{\rm rd}$ .

Learn all about job costing and cost allocation, indirect job costs and how they affect you, general and administrative expenses, and timely input of information and report processing,

Also learn about estimating costs to complete jobs, how to use software, and how to do a break-even analysis.



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Riverhead Building Supply
Scituate Lumber, Inc.

# How to get results with social media

<u>November 6</u>

WHEN: Thursday, November 6<sup>th</sup>, 5-7 p.m.

**WHERE:** Rhode Island Builders Association headquarters, 450 Veterans Memorial Pkwy., East Providence 02914 **COST:** Open to everyone in the industry. FREE for members and non-members.

**DEADLINE TO REGISTER:** Friday, October 10<sup>th</sup> **FOR INFORMATION AND TO REGISTER:** Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

"How to Get Results with Social Media" will be the subject with marketing expert Betty Galligan of Newberry Public Relations & Marketing Inc. If you have a Facebook page, a LinkedIn profile, a Twitter account, or use Google+ but don't know if it's all helping or harming your business, then this seminar is for you!

Learn how to get maximum results with a minimum of time using the right social-media channels to reach your customers and prospects.

# Mold awareness for contractors

November 5

WHEN: Wednesday, November 5<sup>th</sup>, 5-7 p.m.

WHERE: RIBA headquarters, 450 Veterans Memorial

Pkwy. #301, East Providence 02914

**COST:** FREE for members with a \$10 materials charge. \$45 for non-members with a \$10 materials charge.

**DEADLINE TO REGISTER:** October 31st

**FOR INFORMATION AND TO REGISTER:** Logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400.

In this Mold Awareness Workshop with Eric Anderson of Insurance Reconstruction Services, get the latest on this important and highly litigious topic. Topics include: Introduction to mold and indoor air quality, basic health hazards associated with mold, potential locations of mold within buildings, monitoring and sampling of mold within buildings and HVAC systems, protecting yourself and others when working with mold, and good work practices when dealing with small-scale mold growth.



## Now is the time to speak up!



Steven Carlino

In these few short months before the 2015 session of the Rhode Island General Assembly begins, it's time to speak up! To continue the successful advocacy the Rhode Island Builders Association has been able to achieve in the last few years, members who have made their voices heard need to continue to do so. And members who haven't need to step up and do your part for our industry and your own business.

If you have issues or problems with government in general and regulations in particular, now is the time to let us know through our executive director, John Marcantonio. In addition, it's nearly election time. The highly-contested state election this fall is of crucial importance to Rhode Island, and especially to the shelter industry. It's vital not only that every RIBA member vote, but that all members vote based on reliable and

complete information about the candidates. Do you vote? Do you know your local state senator and representative? Remember: America didn't become great through its voters being apathetic.

Remember this too: Of the 56 men who signed the Declaration of Independence, nine died in battle and two had sons who were killed. All the signers were persecuted in one way or another, and none of them gave up. We mustn't give up either.



Robert J. Baldwin

At the same time, if you have opinions about certain issues that affect your business, experience in dealing with them, or information on state or local regulatory matters that affect the residential construction industry, housing or economic development, you would be helping the industry and your fellow members by discussing them with Mr. Marcantonio. Reach him at the RIBA office, (401) 438-7400.

#### **RIBA's Legislative Committee**

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President Felix A. Carlone, Ex Officio F.A. Carlone & Sons

#### John Marcantonio

Executive Director, Rhode Island Builders Association

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Lehigh Realty LLC.

Ronald J. Smith

Ron Smith Homes Inc.

Joseph W. Walsh Government Strategies Inc.

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Eric Wishart

Civil CADD Services Inc.

Gayle Wolf

Government Strategies Inc.

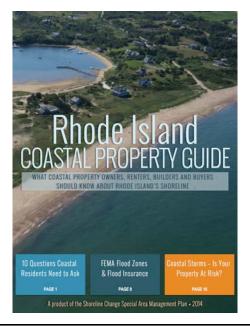


## CRMC releases guide to devloping on Rhode Island's coast

RIBA has a number of copies available for members. To receive one, please call (401) 438-7400.

Do you develop property on Rhode Island's coast? The Coastal Resources Management Council (CRMC) has released a handbook of what you need to know about the "harsh coastal conditions," particularly flooding and erosion.

The Rhode Island Coastal Property Guide: What Coastal Property Owners, Renters, Builders and Buyers Should Know About Rhode Island's Shoreline is available free at www.BeachSamp.org/ coastalpropertyguide or as a hard-copy booklet (e-mail: beachsamp@etal.uri.edu to ask for one). The book provides check-



lists and information to help readers determine their risks for flooding and erosion. It also outlines "practical activities" people can undertake to protect their property.

Along with CRMC, the Guide is produced by the University of Rhode Island Coastal Resources Center (URI CRC)/ Rhode Island Sea Grant.

"People who live at the coast or own businesses there are worried about what's going to happen to their properties, and they want to know what to do about the impacts we're seeing from storms and sea level rise," said Grover Fugate, CRMC executive director.

The 30-page guide contains information about the unique circumstances – natural and regulatory – that affect property in the coastal zone.

# Dear wind, salt and rain. Bring it on.

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### The fee-in-lieu option

# A look at Rhode Island's revised inclusionary zoning law

By Paul F. Eno Editor

It's now legal in Rhode Island for towns to allow fee-in-lieu payments and other options for developers in place of new affordable units where inclusionary zoning (IZ) applies.

IZ is meant to increase the supply of affordable housing in municipalities that adopt it. It requires that a certain percentage (typically 10 to 20 percent) of a new development consist of affordable units, in some cases priced dramatically below the market value of the other units.

A fee-in-lieu provision allows the developer to buy his or her way out of that provision by contributing a certain amount, representing the difference between the average cost to develop affordable units and 80 percent of what the maximum low-to-moderate-income housing (LMIH) sale price would be. This is known as the "affordability gap." The fee goes to a local housing trust fund.

The determining agency for the LMIH price is Rhode Island Housing, which has a town-by-town fee-in-lieu schedule, available online at www.RhodeIsland-Housing.org/filelibrary/FY15\_FeeSchedule\_FIL.pdf. The law does not allow

see FEES...page 24



Our goal is to make the policy more reasonable so housing can thrive. If inclusionary zoning continues to fail in Rhode Island, RIBA will continue to work with planners and policy makers on a solution.

-Executive Director John Marcantonio

### Text of the legislation

H 7632 SUBSTITUTE A AS AMENDED AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

It is enacted by the General Assembly as follows:

SECTION 1. Section 45-24-46.1 of the General Laws in Chapter 45-24 entitled "Zoning Ordinances" is hereby amended to read as follows:

- **45-24-46.1 Inclusionary zoning**. (a) A zoning ordinance requiring the inclusion of affordable housing as part of a development shall provide that the housing will be affordable housing, as defined in section 42-128-8.1(d)(1), that the affordable housing will constitute not less than ten percent (10%) of the total units in the development, and that the units will remain affordable for a period of not less than thirty (30) years from initial occupancy enforced through a land lease and/ or deed restriction enforceable by the municipality and the state of Rhode Island.
- (b) A zoning ordinance which includes inclusionary zoning may provide that the affordable housing must be built on-site or utilize one or more alternative methods of production, including, but not limited to, off-site construction or rehabilitation, donation of land suitable for development of the required affordable units, and/or the payment of a fee-in-lieu of the construction or provision of affordable housing units. For all projects subject to inclusionary zoning, density bonuses and other incentives shall be established by the community and shall apply to offset differential costs of below market units.
- (c) This fee-in-lieu of the construction or provision of affordable housing shall be the choice of the developer or builder applied on a per-unit basis and may be used for new developments, purchasing property and/or homes, rehabilitating properties, or any other manner which creates additional low or moderate income housing as defined in § 45-53-3(9)
- (1) For affordable single family homes and condominium units, the per-unit fee shall be the difference between the maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing and Urban Development and the average cost of developing a single unit of affordable housing. The average cost of developing a single unit of affordable housing shall be determined annually based on the average per-unit development cost of affordable homes financed by Rhode Island Housing over the previous three (3) years, excluding existing units which received preservation financing.
- (2) Notwithstanding subsection (c)(1) of this section, in no case shall the per-unit fee for affordable single family homes and condominium units be less than forty thousand dollars (\$40,000).
- (d) The municipality shall deposit all in-lieu payments into restricted accounts, which shall be allocated and spent only for the creation and development of affordable housing within the municipality serving individuals or families at or below eighty percent (80%) of the area median income. The municipality shall maintain a local affordable housing board to oversee the funds in the restricted accounts and shall allocate the funds within two (2) years. The municipality shall include in the housing element of their local comprehensive plan, if applicable, the process they will use to allocate the funds.
- (e) As an alternative to the provisions of subsection (d), the municipality may elect to transfer in-lieu payments promptly upon receipt or within the two (2) year period after receipt to the Housing Resources Commission or Rhode Island Housing for the purpose of developing affordable housing within that community.
- (f) Rhode Island Housing shall report to the General Assembly and the Housing Resources Commission, the amount of fees-in-lieu collected by the community, the projects that were provided funding with the fees, the dollar amounts allocated to the projects and the number of units created.

SECTION 2. This act shall take effect upon passage.

www.ribuilders.org October 2014/19



# Local public notice registries up and running, but they can be confusing

By Paul F. Eno Editor

Signing up for municipal public-notice registries is meant to keep all property owners informed of local issues and pending land-use decisions that can affect their property rights. The Rhode Island Builders Association has urged all members to do so through the town or city clerks' offices in communities where they live and do business.

Trouble is, signing up isn't always easy. Each city and town is required to have one of these public notice e-mail registries, pursuant to the requirements of Rhode Island Public Laws, Chapter 235, as enacted in 2013. This and other new requirements are reported to municipalities annually in a state publication called simply *State Mandates*. *State Mandates* 2013 says:

"This act (of the General Assembly) requires municipalities to establish and maintain a public notice registry allowing persons to register for electronic notice of any changes to local regulations (subdivision and zoning), along with a requirement to provide on an annual basis public notice of the existence of the registry in a newspaper of general circulation."

As far as *The Rhode Island Builder Re*port could determine, each municipality



RIBA will continue to work with the cities and towns to clarify public notice registry systems and to facilitate information flow to our members. We strongly suggest that members register for public notices in the communities in which they live and work. Knowing what's going on in your town means knowing what's going on in our industry.

-Executive Director

John Marcantonio

has established a public notice registry in one form or another, usually as an e-mail distribution database.

Being able to sign up online for an e-mail notification system would seem logical, but as of this writing, few communities have easy on-line signups, with links from their homepages or even from their town clerks' office pages. Among the exceptions are Smithfield, Johnston, Scituate and Westerly. The latter two towns conveniently allow sign-ups for general town e-news on the same page.

In East Providence, registrants must navigate to the city e-newsletter page and check the box for the public notice registry, a relatively easy process.

#### A few 'hoops'

Other communities provide more "hoops" to jump through when joining their public notice registries. South Kingstown allows online sign-ups but requires more personal information than the towns named above: name, address and phone number, along with an e-mail address.

Some communities lump their public notice registries with online notification systems for emergency alerts or general town news. So signing up can be confusing.

Charlestown offers online registration, but the writer had great difficulty finding the page. Once there, the registrant has a choice of notifications: general interest, notice of proposed changes affecting local businesses, notice of proposed changes to subdivision regulations and/or notice of proposed changes to zoning ordinances.

Even with a high-definition computer

monitor, it took three attempts to decipher and type in the visually challenging security code provided, to verify that the registrant was human and not a spamming computer.

For Glocester, registrants must submit name, address, phone number and e-mail, but they also must make one or more of four choices: volunteer for a town board, nominate someone for a "Gold Cane Award," apply to be a poll worker or submit a "general question or comment."

Perhaps the oddest sign-up experience was with Providence. Simply visiting the online registry page brought the message "Thank you, your subscription to the City of Providence, Planning + Development - Public Notice Registry Newsletter has been successful." There was no request for information of any kind, not even an e-mail address.

#### Manual transmission

For most communities, however, manual transmission of your contact information to the town or city clerk's office is required to register. These communities include Pawtucket, Little Compton, Tiverton and others. Most responded quickly to e-mail requests for registration

In East Greenwich, Cumberland and West Greenwich, however, there's another wrinkle: The public notice registry for land-use issues is handled through the respective planning departments. However, the town clerks quickly forwarded registry requests when contacted.

For further information, contact the respective town or city clerks' offices.

For more information on scheduled RIBA classes, see the following pages and the calendar on page 4. If there is a class you would like to see offered, contact Sheila McCarthy at (401) 438-7400 or smccarthy@ribuilders.org



## Janet L. Coit

### Director, Dept. of Environmental Management

Janet L. Coit has worked on environmental issues for over 20 years. Before coming to the Dept. of Environmental Management (DEM), she was the state director for The Nature Conservancy. Previously, Ms. Coit was counsel and environmental coordinator in the Providence office of the late Sen. John Chafee and, subsequently, then-Sen. Lincoln Chafee. She is a magna cum laude graduate of Dartmouth College and holds a JD from Stanford Law School.

THE BUILDER: In the September issue of *The Rhode Island Builder Report*, we talk extensively about the July 17<sup>th</sup> meeting of the Legislative Task Force on Wetland and

OWTS Setbacks. The two speakers (Andrew T. Der of Andrew T. Der & Associates and Mark W. Eisner of Advanced Land and Water Inc.) outlined some current science and called for unified and consistent regulations in Rhode Island. Having attended the meeting, what are your thoughts?

**COIT:** The job of the Task Force is to recommend a more efficient, statewide regulatory system that will give people more certainty. As it is now, the combination of state and local regulatory processes sometimes has people ping-ponged between different sets of standards. I really want to work with that Task Force to reach consensus on standards that will serve critical environmental factors while serving economic vitality as well.

A few things at the meeting struck me. First, what the speakers said about Maryland: It seems that some of Rhode Island's regulations and processes are more flexible, and may work better.

They mentioned that Maryland requires a denitrification (septic) system for all new systems statewide, so in certain ways their rules are actually more onerous. I asked about their turnaround times (for applications) and they're sometimes a year.

More sensitive areas require more protection, which engenders a longer process. Being science-based is important, as is striving to be clear and predictable so people understand how to apply and comply. To me, success is having a timely process that results in projects that work for the landscape and the applicants.

It was interesting to see their research. I learned a great deal. I'm proud of the way Rhode Island has approached experimental (septic) systems, and we're very open to testing new approaches. I didn't come away agreeing with everything the speakers said.

THE BUILDER: In the opinion of many in the Rhode Island Builders Association, DEM has made strides in a number of problem areas, namely its website, review times and mailing. But the opinion is that more work is needed on these and other issues. Can you comment?



**COIT:** We are totally open to feedback and suggestions. When there are specific issues, let's get together and look for solutions.

Our "lean government" processes have helped, along with a general improvement in the culture at DEM. I made it a point to learn about "lean" and visited several companies that have it. I made one of our key staff people head of a project to bring lean to DEM, and we got funding from the Rhode Island Foundation to hire a consultant to kick it off and train our staff. This has resulted in very specific improvements and a real cultural change.

We've made great headway, and I think our turnaround times are really impressive. For an

OWTS (onsite wastewater treatment system), it's generally less than 10 days. For a wetlands application, a preliminary determination is generally turned around in less than 30 days. Our review times are good.

We have some outdated computer systems, but we do the best we can with what we have, and we do plan to upgrade as soon as we can. It's all a work in progress.

Even with lean processes, we're dealing with complex issues. We try to make sure our system is good for the vast majority of projects. But there are sometimes difficult ones. In any case, if there are questions or problems, people should pick up the phone and call (DEM Chief of Groundwater and Wetland Protection) Brian Moore or the biologists they're working with.

### THE BUILDER: What steps are being taken to deal with inconsistent application reviews?

**COIT:** That problem has been brought out in our discussions. Brian Moore is now overseeing both septic and wetland issues, and he's working closely both with me and with (Associate Director for Environmental Protection) Terry Gray. We're working together to troubleshoot this, and to streamline and standardize reviews. Brian has worked very well with RIBA over the years, and we're interested in feedback on how much of a problem it really is for people.

#### THE BUILDER: There are still some complaints about login times. What's the story on that?

**COIT:** The login times are, I believe, about information that we put into the system on the RI.gov site. This should get better when we improve our computer systems overall.

THE BUILDER: Can you talk about what's going on with Rule 17.3\*, which enables local authorities to regulate loca...continued next page

www.ribuilders.org October 2014/21

...from previous page

#### tion, design, construction and maintenance of OWTS?

**COIT:** That really falls under the purview of the Legislative Task Force on Wetland and OWTS Setbacks. But we're doing our part by making sure that any permit we review is already going to pass muster at a local level. So to the extent that we have municipalities like New Shoreham that have more restrictive ordinances, it's helpful to know on the front end that the application is compliant in terms of eliminating the back-and-forth.

The goal is, of course, to streamline the process and not have someone who got a DEM approval find out that it won't pass muster at a local level.

### THE BUILDER: Combined permitting for wetland/OWTS has been in effect since July. How is that going?

**COIT:** We worked closely with RIBA on that, and Brian Moore brought this to fruition. He continues to make sure that things already done on the septic side, such as on-site decision making and DEM personnel empowered to sign permits, can now be done on the wetland side. I think this is going really well.

On these matters and soil-evaluator issues, Brian is the one to call. We welcome suggestions and we want to hear about any problems. We have full instructions on our website as well.

We intend to get these combined permits turned around within a few weeks, but we don't have that much experience with them yet. When I checked, we had only one application to date. But it's a good example of a collaborative effort to achieve a more efficient process. I appreciate RIBA's help on this, and we'll use you to help get the word out.

### THE BUILDER: Can you summarize DEM's accomplishments since you became director?

**COIT:** I feel the biggest accomplishment is promoting customer service and working with people to find solutions. Part of that is promoting the lean-government initiative, as I said, where we engage the staff at all levels to review systems and standardize processes. They're learning to eliminate waste and more effectively communicate what's expected of people in completing a quality application, and what we expect of ourselves in turnaround time and a predictable outcome.

Staff are more engaged to work with applicants as partners, and we're improving responsiveness. We're picking up the phone and using e-mails rather than sending some long deficiency letter.

As to working with RIBA, our first meeting after I became director involved concern on your part that it would be an "us vs. them" relationship. Maybe we didn't start out with the same positions, but we worked successfully to find solutions, and we've worked well with RIBA on a number of legislative initiatives. One example has been the "tolling" bills over the last few years and, more recently, the cesspool phase-out program.

In the state's Critical Resource Area, RIBA didn't like the requirement for denitrification systems whenever any structure was expanding, so we worked for a compromise where the applicant can demonstrate that the expansion doesn't increase stress on the septic system. If so, we can allow more flexibility so the project can go forward without that burden. We sit at the table, outline our positions and search for a way to make progress.

That's not to say there won't be difficult issues, projects where somebody wants to do something that we don't think is permissible under the law. In the end, though, we work to accommodate growth and economic development.

#### THE BUILDER: What lies ahead for DEM?

**COIT:** One piece of legislation that came from the governor required us to have an Office of Customer and Technical Assistance. We had already created one, headed by Ron Gagnon, and I want as part of DEM's core mission the idea that, while we have to enforce the environmental laws and regulations, we also are here to help customers and provide technical assistance, and improve the process. Now we have the new Permit Application Center, where people can get information and technical help.

We're working to standardize processes enough so people will know within 24 hours that their application is complete and has been sent to the appropriate program, and we want all applications treated consistently. So before filing, come in and meet! If necessary, we'll pull in the Coastal Resources Management Council (CRMC) or the Dept. of Transportation (DOT) and have everyone take a look at your site or project before the application goes in. The better the application, the better the review time.

What I'd really like to work more with RIBA on is the "padready concept" (building sites that DEM and other agencies have pre-approved for a certain kind of development). We worked with CRMC on master-plan approval in a big-picture scenario for marketing and developing the Route 195 land. We've done it at Quonset too. While the pad-ready concept doesn't work as well for small, private properties, there's more we can do with it.

Some companies decided to locate at Quonset because they knew they could go from signing the documents to completion very quickly. We have staff who are experienced with this.

The biggest challenge I have is communicating effectively about why environmental quality matters to the economic vitality of Rhode Island. But whatever the project or the goal, I enjoy working with RIBA. Together, we can accomplish a great deal!

### THE BUILDER: Do you hope to stay on under the new governor?

**COIT:** It's a great privilege to be the director of DEM. I cannot imagine another job where the issues and decisions have as much impact on people and places. I would be very pleased to stay on as director should Rhode Island's next Governor give me that option!

\* Rule 17.3: Local Ordinances

- It is the applicant's responsibility to ensure that the OWTS application to the Department is in compliance with local ordinances regarding the location, design, construction and maintenance of an OWTS prior to submission to the Department. City or Town Councils may petition the Department to require municipal review for compliance with local ordinances prior to DEM initiating its review. The petition must state the local standard(s), as embodied in local ordinance, that is more stringent than the standard(s) in these Rules and the municipal official responsible for local review. In municipalities where the petition has been approved, applicants must submit documentation to DEM on forms approved by DEM that the municipality has certified that the application is in compliance with all local ordinances.

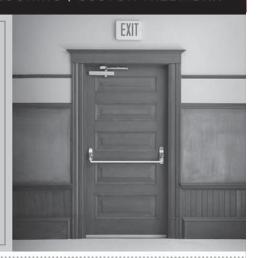
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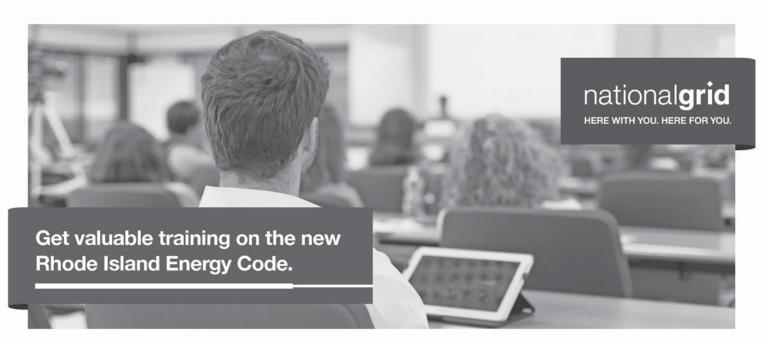
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Thomas F. Marshall

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Robert H. Miniati II

Miniati's Home Imp./Custom Homes

Thomas Kaine

Miracle Method of Providence

MRD Woodworking LLC Matthew R. Dovon Nelson E. Girard N&D Builders Ltd. Nathan Clark Nathan Clark & Associates Kathleen Carroll National Grid National Grid

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Michael Pare

N.E. Kitchen & Bath Center Inc.

Barbara Gallison

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Parvo's Paint & Wallpaper Center

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Paul St. Amand Design/Builder, Inc.

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#### FEES...from page 19

towns to set their own fee schedules. The minimum fee-in-lieu statewide is \$40,000.

As enacted, the legislative measure is H7632a. Here are some specifics.

- Fee-in-lieu isn't the only choice for a municipality's inclusionary zoning ordinance. A community may require that the affordable units be built on-site, or existing units rehabilitated, off-site, or that the developer donate land suitable for the units.
- The developer may choose which of these inclusionary-zoning options to use. As stated in the law: "This fee-in-lieu of the construction or provision of affordable housing shall be the choice of the developer or builder applied on a per-unit basis and may be used for new developments, purchasing property and/or homes, rehabilitating properties, or any other manner which creates additional low or moderate income housing as defined" in the law.
- For any development subject to inclusionary zoning, the community must provide density bonuses and "other incentives...to offset differential costs of below market units." In short, the municipality must help subsidize the construction or fee, instead of forcing builders to pass on the fee to market-rate customers.

The Rhode Island Builder Report has covered the inclusionary zoning issue extensively, particularly in the October 2013 issue (Downloadable copies of previous issues are available at www.RIBuilders. org.) At the time, studies and statistics showed that inclusionary zoning rarely increases a community's supply of affordable housing because it actually discourages development. In fact, some communities find that their affordable-housing stock declines when inclusionary zoning is in force.

In areas where inclusionary zoning exists and fee-in-lieu has been applied, notably in huge housing markets like San Francisco, Calif., and the Maryland and Virginia suburbs of Washington, D.C., results for any increase in affordable housing have been mixed.

"Fees-in-lieu are becoming more popular," said Debra Bassert, assistant vice president at the National Association of Home Builders. "If you have IZ and you have to provide affordable units, fee-inlieu provides another option for the builder. It can be a benefit."

NAHB assisted RIBA in working toward Rhode Island's fee-in-lieu law.

"Rhode Island's fee-in-lieu legislation is comparable to some of the better statutes around the country, especially when it comes to how the fees are calculated. Builders can be pretty happy with that," Ms. Bassert said.

Sponsors of the bill included K. Joseph Shekarchi (D-Warwick), Joseph M. Mc-Namara (D-Warwick, Cranston), Raymond E. Gallison Jr. (D-Bristol, Portsmouth), John J. Lombardi (D-Providence) and Charlene Lima (D-Cranston, Providence).

See the full text of the law on page 19. Watch The Rhode Island Builder Report for more information as this issue devel-

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#### DIRECTORY...from page 7

The *Directory* will be printed, and distribution will begin, before the Home Show, and will be an excellent introduction to your business, especially if you are a Home Show exhibitor. The show will take place March 5<sup>th</sup>-8<sup>th</sup> at the Rhode Island Convention Center, Providence. *Story on page 7*. There, homeowners will seek out contractors and suppliers to begin their spring and summer construction and remodeling projects.

Once again, RIBA will have a drawing where one advertiser will win an additional ad: free, full-page and full-color. Any advertiser who has purchased their *Directory* ad by November 26<sup>th</sup> will be eligible for the drawing. The final deadline for *Directory* advertising is December 8<sup>th</sup>.

Information about the *Directory* was mailed to members in September, and premium advertising positions are going quickly, as they always do. RIBA once again offers advertising "package deals" with the *Directory* and *The Rhode Island Builder Report*. Advertisers who opt for both publications will earn a 5 percent discount on their total advertising cost.

Current and potential advertisers can expect to be contacted about advertising by Paul or Jonathan Eno from New River

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#### EDUCATION...from page 1

will be free for members and their employees. There may be a small charge for registration and/or course materials. Courses will be offered both at RIBA's headquarters in East Providence, at member facilities around the state, and online where appropriate.

"Your association will be prepared to assist members and the industry with this new state requirement," Mr. Marcantonio said.

"We have a wide-ranging education program as it is, and the courses RIBA offers are great preparation for the mandated classes that are coming. And, again, they're free for members and their employees."

Among the many members who take RIBA courses regularly is Joseph C. Cracco of Modern Yankee Builders Inc.

"On the one hand, I'm sorry that contractor education needs to be mandated. I believe that being a professional builder or remodeler, or any of the trades for that matter, comes with the responsibility of being knowledgeable about your craft," Mr. Cracco said.

"Our clients should rightly expect that we care enough to continually educate ourselves about running our businesses better, about keeping up with new materials and techniques, and about being better at what we do in every way so we become an educated and trusted advisor," he added.

"RIBA's education program is an amazingly valuable membership benefit. I couldn't be more proud of John Marcantonio, RIBA's Board of Directors, the Education Committee and our sponsoring partners for creating and supporting this education program. It truly has the power

to change our industry for the better."

Watch for more information on the mandated courses. For more information on RIBA's education program in general, contact Sheila McCarthy or Elizabeth Carpenter at (401) 438-7400.

#### As we went to press...

It was learned that the National Association of Home Builders Board of Directors has approved a new field representative program to support local and state home builders associations (HBAs). Under the program, a field representative will live and travel in each of the five NAHB regions in 2015. The Board also reduced the number of required board meetings from three to two a year, though all three planned meetings will still take place in 2015.

www.ribuilders.org October 2014/25

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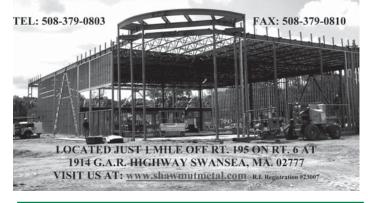


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